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PP RUEHWEB

DE RUEHBO #2774/01 2122254
ZNY CCCCC ZZH
P 302254Z JUL 08
FM AMEMBASSY BOGOTA
TO RUEHC/SECSTATE WASHDC PRIORITY 3915
INFO RUEHBR/AMEMBASSY BRASILIA PRIORITY 8285
RUEHCV/AMEMBASSY CARACAS PRIORITY 0764
RUEHLP/AMEMBASSY LA PAZ JUL 9573
RUEHPE/AMEMBASSY LIMA PRIORITY 6403
RUEHZP/AMEMBASSY PANAMA PRIORITY 2081
RUEHQT/AMEMBASSY QUITO PRIORITY 7096
RUEHGL/AMCONSUL GUAYAQUIL PRIORITY 4508

C O N F I D E N T I A L BOGOTA 002774

SIPDIS

E.O. 12958: DECL: 07/30/2018
TAGS: [PTER](#) [PGOV](#) [PREL](#) [ECON](#) [SOCI](#) [CO](#)
SUBJECT: THE STRUGGLE OF COLOMBIA'S INDIGENOUS TO PRESERVE
THEIR IDENTITY

REF: A. BOGOTA 6535
[1](#)B. BOGOTA 2317
[1](#)C. BOGOTA 1966

Classified By: Political Counselor John S. Creamer.
Reasons 1.4 (b) and (d).

SUMMARY

[1](#)1. (U) Indigenous make up slightly more than 3% of Colombia's total population, but indigenous reserves (resguardos) account for over 30% of Colombia's national territory. Indigenous groups are relatively well-organized, and international conventions and Colombian law on consultations, political representation, and communal lands ensure indigenous rights. Still, indigenous claim the GOC frequently ignores the requirement that it consult with indigenous communities before taking actions that may adversely affect them, and also complain that security forces harass their communities. Many indigenous live in conflict areas, and face threats and displacement by illegal armed groups and narcotraffickers. They are Colombia's poorest ethnic group, and have the highest rates of infant mortality and disease. End Summary.

PRESENCE AND PROTECTIONS

[1](#)2. (U) The 710 indigenous reserves in Colombia account for over 30% (34 million hectares) of the country's national territory. The vast majority of the indigenous reserves are found in the sparsely-populated and inaccessible Amazonian departments of Vichada, Guainia, Guaviare, and Vaupes. The departments with the largest number of indigenous are Cauca (250,000) and La Guajira (280,000). The departments with the highest indigenous population as a percentage of the overall population include Vaupes (67%), Guainia (65%), La Guajira (45%), Vichada (44%), Amazonas (43%), Cauca (22%), and Putumayo (21%). The 2005 census reports there are 1,392,623 indigenous, accounting for 3.4% of Colombia's total population.

[1](#)3. (U) The Ministry of Interior and Justice (MOIJ) reports that Colombia's 87 known indigenous communities speak 64 languages; indigenous groups self-identify 104 communities. The Wayuu are the single largest indigenous group, with 149,00 members residing largely in the Guajira department. The second largest community is the Nasa, with 138,000 members in Cauca and Valle del Cauca departments. Most other groups have fewer than 2,000 members--leaving them politically powerless compared to the Wayuu and Nasa. Due to the vast distances between communities, as well as sharp linguistic and cultural differences, rivalries and

disagreements among the groups are common. MOIJ Indigenous Affairs Directorate head Edilberto Herrera told us his office must consult with multiple groups--including traditional leaders, the National Organization of the Indigenous of Colombia (ONIC), and the Permanent Settlement Forum on Indigenous Issues (Mesa de Concertacion Permanente) -- to determine indigenous views on specific issues.

14. (U) The Colombian Constitution, domestic court decisions and legislation, and international conventions delineate the protections afforded to indigenous communities. The indigenous have the right to govern their own territories, be consulted by the GOC on government actions that affect their communities (see reftel A), and receive guaranteed political representation. Articles 171 and 176 of the Colombian Constitution provides the indigenous two senators and one representative in the Colombian Congress. Articles 246 and 7 establish the right to self-government for indigenous and Afro-Colombians, and recognizes that Colombia is a multi-cultural society. ILO Convention 169, ratified by Colombia in 1991, further guarantees collective land rights.

HEALTH AND SOCIAL INEQUALITY

15. (U) The indigenous are the poorest population in Colombia, and also have the highest mortality rates and the highest rates of intestinal diseases, tuberculosis, hepatitis and malaria. The indigenous infant mortality rate is 63/1,000 for the indigenous, as compared to 41/1,000 for the general population. The indigenous population is young; 45% of the population is under the age of 15. According to a Javeriana University study, indigenous women have an average

of 6 children. Due to their presence in rural and inaccessible regions, indigenous access to basic health care and education is limited.

LAND

16. (U) Despite the large tracts of land reserved for the indigenous, land disputes continue. The largest indigenous reserves are located in the remote, Amazonian departments, leaving indigenous in more populous departments such as Cauca feeling shortchanged. Moreover, encroachment on indigenous reserves by peasants and corporate interest is also an issue. The GOC's Rural Development Institution INCORA (now INCODER) designated over 30 million hectares of land since 1961. This responsibility moved to the Ministry of Interior and Justice's Indigenous Directorate with the Rural Development Law of 2007. Indigenous reserves have existed in Colombia since 1532--prior to INCORA's involvement the indigenous had recognized claims to only 405,000 hectares. The three GOC entities that protect indigenous rights are the Human Rights Ombudsman (Defensoria), the Inspector General's Office (Procuraduria), and the lead agency, the MOIJ Indigenous Directorate.

LESS DEVELOPMENT

17. (SBU) Agricultural Ministry Advisor Lorena Garnica said a recent constitutional court ruling overturning the Forestry Law (see reftel C) will make it almost impossible for interested indigenous councils to negotiate with private investors on development projects located on communal land. She said the Court's ruling, which found the Forestry Law unconstitutional because it violated the consultation requirement for indigenous and Afro-Colombians, failed to define what would constitute acceptable consultations. Without clarity on this issue, few investors would consider projects in communal lands. ONIC, which opposes all private development on indigenous lands, told us the Rural Development Law -- as well as the voided Forestry Law -- promoted the transfer of land and resources from indigenous communities to corporate interests. ONIC said that since indigenous cannot access private loans because they cannot use communal lands as a guarantee, the GOC should make capital available to the reserves.

ARMED CONFLICT AND ILLICIT CROPS

¶8. (SBU) The 2007 Report of the United Nations High Commissioner for Human Rights noted that over 6,000 indigenous were reported displaced, down from a peak of 18,854 in 2005. The report comments that the remote location of many reserves leaves them vulnerable to violence and displacement by the FARC and other criminal groups, which exploit the reserves for sanctuary, coca cultivation, processing and transportation. GOC officials estimate that up to 20,000 hectares of coca plants are located in indigenous reserves. Coca growers prefer indigenous lands because aerial and manual eradication is slowed by the required GOC consultations with the communities. ONIC Coordinator Joanne Washington told us aerial eradication is ineffective, and causes indigenous displacement. She added that the GOC policy of employing local communities for manual eradication is counterproductive; indigenous communities make money by either growing and selling the coca, or by growing and then manually eradicating the coca.

¶9. (U) Colombian security forces are not allowed to maintain a permanent presence inside indigenous reserves. Still, the Colombian military is aggressively expanding its presence near once remote indigenous areas as it takes the war to the FARC. Many indigenous appreciate the improved security provided by the enhanced military presence, but complain military personnel harass their communities, do not respect their customs, and do not consult with them before taking actions that affect them. The military recognizes the need to improve communication with the indigenous, and has developed a cultural-sensitivity training program through its civilian affairs office. Still, military officials assert Colombian law does not require consultations before launching military operations in indigenous reserves or building bases near reserves. The tension over consultation requirements leaves both parties frustrated (see ref tel B).

THE CAUCA EXAMPLE

¶10. (U) The ongoing conflict in Cauca highlights the difficulty of protecting indigenous rights in the context of security and armed conflict. The GOC promised to acquire an additional 15,663 hectares for the Nasa community in Northern Cauca after the 1991 killing of 13 indigenous by security forces. To date, the MOIJ has acquired 10,082 hectares and handed them over to the community. The remaining 5581 hectares contain highly-valuable, productive land, and GOC officials told us they do not have the funds nor the will to buy the plantations for the Nasa.

¶11. (C) Over the last three years, Nasa protests -- including land invasions and disruption of the Pan American Highway -- have led to more than 30 clashes with security forces. The Nasa complain about the use of excessive force by the Colombian military and police, and two indigenous were allegedly killed in a crossfire between the military and the FARC on May 29. President Uribe publicly attributed the protests and land invasions to FARC infiltration of the community. The indigenous Quintin Lame guerrilla group operated in the region before demobilizing in 1991, and Catholic priests working in the area confirm that some community members maintain ties with radical groups. In the last year, 20 deaths were reported in Cauca due to the armed conflict.

BROWNFIELD